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**Remarks/Arguments:**

Reconsideration of the application as amended is requested.

The Examiner's additional remarks have been received and carefully considered.

Pending claims 108 and 131 have been canceled without prejudice, and claims 76, 100, 109, 123, 132, 134, 138, 140 and 144 have been amended.

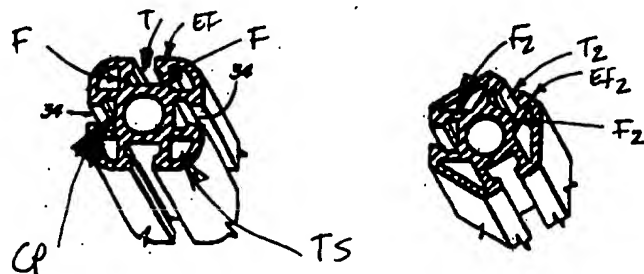
Applicants note with appreciation the Examiner's comment that claims 30-34, 79, 82-87, 89 and 94 are allowed, and that claims 110-115, 121, 122, 132, 133, 138, 139, 144 and 145 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. For those reasons set forth in detail below, Applicants believe that all of the claims, as amended herein, are in condition for immediate allowance.

The Examiner rejected pending claims 76, 78, 100-108, 116-120, 134-136 and 137 under 35 U.S.C. § 102(b) as being anticipated by the Dwillies Patent 5,277,512. More specifically, the Examiner takes the position that,

"Claims 76, 78, 100-108, 116-120, 134-136 and 137 stand rejected under 35 U.S.C. 120(b) as being anticipated by US Patent #5,277,512 to DWILLIES. In reference to claims 76, 100, DWILLIES discloses the use of a post and beam furniture system for partitioning open including [sic] a plurality of overhead beams (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the

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open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of said overhead beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts having an X-shaped plan (see figure 14E) configuration defining four mutually perpendicular, outwardly extending flanges (F), each of which has an end face (EF) with a single T-shaped vertical slot (T) extending centrally there along [sic]; at least one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally there along [sic] (Column 8, lines 57-65); and a plurality of beam-to-post connectors (14, 50) attached to the opposite ends of said beams, and detachably retained in said slot (T, T2) of aligned pairs of said flanges (F, F2) on said posts (12) to support said beams (10) on said posts



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(12) at said predetermined elevation. DWILLIES further includes at least one partition accessory (91) having a mount (92) that is detachably retained in the slots (T, T2).

Regarding claims 78 and 135, as seen in figures 13 and 14A-E, the beams (10) includes [sic] opposite end faces (EF, EF2) having the T-slots (T, T2); wherein, each of the slots (T, T2) are [sic] generally similar in shape and size to receive the accessory (91) therein. In further reference to claims 100 and 134, the vertical posts (12) of DWILLIES has [sic] a 'cruciform' shape having a central portion (CP) with four of the flanges (F); wherein, the end face (EF) of the flange (F) is flat and mates flush with the end face of the beam (10), see figure 1; and the beam-to-post connector (14, 50) includes a first portion (56) and a second portion (52). Regarding claims 101, 134 and 135, the partition accessory (91) that is 'configured' to equip the system for users is capable of being detachably retained at a variety of orientations along the length of the post. In reference to claim 102, the beam (10) has a longitudinal slot (22) similar to the slots (T, T2) formed in the flanges (F) of the posts (12). In reference to claims 103, 104, 116, 117, 136 and 137, the different variations of beams (10), as detailed by DWILLIES, allows [sic] for slots (22) to have a first slot (40) and a second slot (38) extending centrally along an uppermost or a lowermost portion of the beam (10), column 8, line 57-column 9, line 2, such that the first portion (56) of the beam-to-post connectors (14, 50) reside [sic] in the second slot (38). In reference to claims 105,

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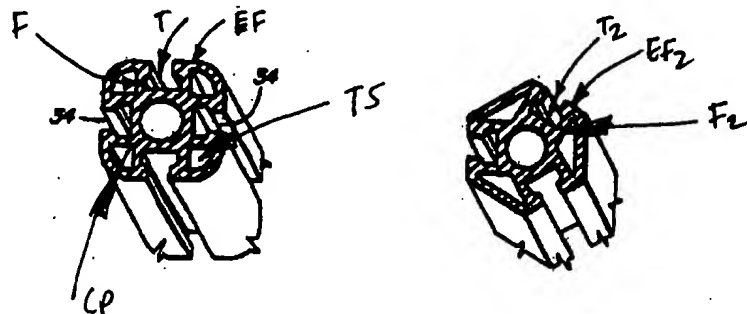
106, 107 and 118, the embodiment of beams (10), as detailed in figures (14d and e [sic]) each; respectively, has either three or four slots (22) of a 'T-shaped' configuration that is shaped to receive the 'T-shaped' connectors (14, 50). Regarding claims 108, 109, 119 and 120, the central portion (CP) is in figure (14e) [sic] is square and the flanges (F) protrude from the central portion (CP) in a manner to define generally triangular shapes (TS), see above."

The Examiner also rejected claims 123-131, and 140-143 under 35 U.S.C. § 103 as being unpatentable over the Dwillies '512 patent. More specifically, the Examiner takes the position that,

"Regarding claims 123 and 140, DWILLIES discloses the use of a post and beam furniture system for partitioning open including [sic] a plurality of overhead beams (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of said overhead beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts having an X-shaped plan (see figure 14E) configuration defining four mutually perpendicular, outwardly extending flanges (F), each of which has an end face (EF) with a single T-shaped vertical slot (T) extending centrally there along [sic];

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at least one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally there along [sic] (Column 8, lines 57-65); and a plurality of beam-to-post connectors (14, 50) attached to the opposite ends of said beams, and detachably retained in said slot (T, T2) of aligned pairs of said flanges



(F, F2) on said posts (12) to support said beams (10) on said posts (12) at said predetermined elevation. DWILLIES discloses the basic claimed system except for explicitly detailing that the flanges of his beams/posts extend at 120 degrees. Hence, considering the wide variety of beam/post members, DWILLIES details angles of 90, 135 and 180 degrees, he does not specifically detail 120 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the angle of degree that the flange extends from the central member, as an

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obvious matter of design choice. Regarding claims 124, 125, and 141, DWILLIES further includes at least one partition accessory (91) having a mount (92) that is detachably retained in slots (T, T2); wherein the partition accessory (91) that is 'configured' to equip the system for users is capable of being detachably retained at a variety of orientations along the length of the post. In reference to claims 126-127, 142 and 143, the different variations of beams (10), as detailed by DWILLIES, allows [sic] for slots (22) to have a first slot (40) and a second slot (38) extending centrally along an uppermost or a lowermost portion of the beam (10), column 8, line 57-column 9, line 2, such that the first portion (56) of the beam-to-post connectors (14, 50) reside [sic] in the second slot (38). In reference to claims 128-130, the embodiment of beams (10), as detailed in figures (14d and e [sic]) each; respectively, has either three or four slots (22) of a 'T-shaped' configuration that is shaped to receive the 'T-shaped' connectors (14, 50). Regarding claim 131, the central portion (CP) in figure (14e) [sic] is square and the flanges (F) protrude from the central portion (CP) in a manner to define generally triangular shapes (TS), see above."

For those reasons set forth in detail below, Applicants assert that all of the pending claims are patentable over the DWILLIES '512 patent, as well as the other references of record.

Amended independent claim 76 defines a post and beam furniture system for partitioning open office space, comprising a plurality of overhead beams, each having opposite

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ends, as well as a plurality of vertical posts, each having a lower end adapted to be abuttingly supported in a freestanding fashion on the floor surface of the open office space in a laterally spaced apart relationship, and an upper portion operably connected with the opposite ends of the overhead beams to support the beams at a predetermined elevation above average user height. Amended claim 76 further recites that at least one of the posts has an X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges arranged to define triangularly-shaped spaces between adjacent ones of the flanges, with each of the flanges having an end face with a single T-shaped vertical slot extending centrally therealong.

Amended claim 76 further recites that at least one of the posts has a Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges arranged to define triangularly-shaped spaces between adjacent ones of the flanges, with each of the flanges having an end face with a single T-shaped vertical slot extending centrally therealong.

Amended claim 76 also recites a plurality of beam-to-post connectors attached to the opposite ends of the beams, and detachably retained in the slots of aligned pairs of flanges on the posts to support the beams on the posts at the predetermined elevation. Finally, amended claim 76 recites at least one partition accessory configured to equip the furniture system for users, and having a mount portion thereof detachably retained in the slot of one of the posts.

The Dwillies Patent 5,277,512 discloses a joint for detachable connection of structural members for applications such as temporary display systems, modular kitchen cabinets,

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shelving units and the like. The illustrated temporary displays are stated to be used for advertising, displaying information at conferences and the like, and are ideally light in weight, inexpensive and easy to assemble into a wide variety of different configurations. Fig. 1 of Dwillies '512 shows a temporary display stand comprising a framework of horizontal members 10 and vertical members 12. Panels 20 are fitted into some of the rectangular openings in the framework. Panels 20 are slightly wider than the distance between vertical members 12, so that the edges of panels 20 fit inside slots in vertical members 12. Panels 20 are thereby held within the framework. The Dwillies '512 specification also indicates that horizontal members 10 may also have longitudinal slots 22 to receive the upper and lower edges of panels 20, so that panels 20 are firmly retained in and stabilize the framework. The horizontal members 10 have resilient T-shaped tongues that mate with T-shaped slots on the vertical members 12. Rotation of the tongue within the slot causes a wedging action which stretches the tongue to draw the tongue firmly into the slot.

Fig. 2 of the Dwillies '512 patent shows the connection of one horizontal member 11 to an associated vertical member 13. Horizontal member 11 has projecting tongue 14 which is lockingly engaged with longitudinal slot 16 in the face 18 of vertical member 13. Horizontal member 11 is held in place at right angles to vertical member 13 by frictional engagement between the end 20 of horizontal member 11 and the face 18 of vertical member 13 and between tongue 14 and the inside surface of slot 16. More specifically, the tongue is engaged



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in the slot by rotating it about its axis, causing the end of the tongue to be drawn into the slot by wedging action between the tongue and the sloped inner surfaces of the slot.

Figs. 14A-14E of the Dwillies '512 patent illustrate variously shaped "members" 11, 12 having slots 34 for receiving the tongues 52 of a mating member of the type shown in Fig.

3. The Dwillies '512 specification beginning at column 8, line 60 states that,

"The various members shown in Fig. 14 may be used to construct frameworks with different symmetries. FIGS. 14(a), (b), and (c) [sic] are transverse cross sections through members having two slots for making structures with corners of 90°, 135 [sic] and 180° respectively. FIG. 14(d) [sic] is a transverse cross section through a member having three slots for joining three walls of a structure at 120 degree separation. FIG. 14(e) [sic] is a transverse cross section through a member having four slots for joining four walls of a structure at 90 degree separation."

The member 10, 12 illustrated in Fig. 14E has a square plan configuration with rounded corners, defined by four flat faces having T-shaped slots 34 extending along a central portion of each of the faces. Aside from the apertures formed by T-shaped slots 34, the Fig. 14E member is otherwise solid, such that there are no spaces or void between the T-shaped slots 34, but only solid post. The member 10, 12 illustrated in Fig. 14D has a hexagon plan configuration defined by six faces, three of which include T-shaped slots 34 extending centrally

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along the faces. Other than the apertures formed by T-shaped slots 34, there are no voids or spaces in the member.

### The Examiner's § 102 Rejections

When examining a claim under 35 U.S.C. § 102, the Federal Circuit has held that prior art is anticipatory only if each and every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 225 USPQ 253 (Fed. Cir. 1985). In the case of Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 USPQ 81 (Fed. Cir. 1986), the Federal Circuit stated,

“It is axiomatic that for prior art to anticipate under § 102 it has to meet every element of the claimed invention.”

Both the Patent and Trademark Office and the Federal Circuit require that for a claimed invention to be properly rejected under § 102(b), the claimed invention must be completely described or illustrated within the four corners of a single, prior art reference. 3 Patent Practice 11-71. Furthermore, the prior art reference must be enabling, thus placing the allegedly disclosed subject matter in the possession of the public. Akzo N.V. v. U.S. Int'l Trade Comm'n, 1 USPQ2d 1241 (Fed. Cir. 1986). No structural or functional difference between a claimed invention and the prior art may be ignored, unless the inventor himself says it is not of consequence.

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While the Dwillies '512 patent does disclose a T-slot and a mating T-fastener joint for temporary displays and other similar applications, it does not contemplate the post and beam furniture system for partitioning open office space set forth in amended claim 76. More specifically, the Dwillies '512 patent does not disclose a "post and beam furniture system for partitioning open office space" as expressly set forth in amended claim 76. Rather, the Dwillies patent discloses a joint for detachable connection of structural members for applications such as temporary display systems, modular kitchen cabinets, shelving units and the like. Furthermore, the Dwillies patent does not disclose the use of "overhead beams" as expressly set forth in amended claim 76. Also, the Dwillies patent does not teach at least one post having an "X-shaped plan configuration defining four mutually perpendicular, outwardly extending flanges arranged to define triangularly-shaped spaces between adjacent ones of said flanges with each of the flanges having an end face with a single T-shaped vertical slot extending centrally therealong", as expressly set forth in amended claim 76. The vertical members or posts 12 disclosed in Fig. 14E of the Dwillies '512 patent have a square plan shape with no outwardly extending flanges that define triangularly-shaped spaces therebetween. The only spaces or apertures in the exterior of the Dwillies Fig. 14E post are the slots 34, which are T-shaped, not triangular, and are configured to mount horizontal members therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 76. Similarly, Fig. 14D of the Dwillies '512 patent does not disclose at least one post having a

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“Y-shaped plan configuration defining three regularly spaced apart, outwardly extending flanges arranged to define triangularly-shaped spaces between adjacent ones of said flanges, with each of said flanges having an end face with a single T-shaped vertical slot extending centrally therealong”, as expressly set forth in amended claim 76. The post illustrated in Fig. 14B of the Dwillies ’512 patent has an octagon plan shape, with no outwardly extending flanges that define triangularly-shaped spaces therebetween. The only spaces or apertures in the exterior of the Dwillies Fig. 14D post are the slots 34, which are T-shaped, and are configured to mount horizontal members therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 76. Furthermore, the subject Dwillies patent does not disclose “at least one partition accessory configured to equip said furniture system for users, and having a mount portion thereof detachably retained in the one slot of the post”. The shelf bracket 91 illustrated in Fig. 10 of Dwillies ’512 is not “configured to equip said furniture system for users”.

For those reasons set forth in detail below, the Dwillies ’512 patent does not disclose each and every element of the invention set forth in amended claim 76, such that it does not anticipate the same under § 102(b).

Furthermore, those differences between the Dwillies ’512 display system and the post and beam furniture system set forth in amended claim 76 are not “obvious” differences as contemplated by § 103. The Dwillies ’512 patent does not teach or suggest those unique

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features of the post and beam furniture system recited in amended claim 76, such that the claim is patentable thereover.

Rejected claim 78, which depends directly from claim 76 further indicates that at least one of the beams includes opposite side faces, each of which has a T-shaped hanger slot extending longitudinally therealong, and that each of the slots in the posts and beams is generally similar in size and shape to receive the mount portion of the accessory therein. In addition to those missing claim elements noted above with respect to amended claim 76, the Dwillies '512 beams 11 do not have opposite side faces with T-shaped hanger slots, nor are they adapted to receive the mount portion of an accessory therein. Contrary to the Examiner's statement, the configurations illustrated in Figs. 14A-14E of the Dwillies '512 patent are not beams, but rather posts. The Dwillies patent at column 8, line 60 expressly states,

"The various members shown in FIG. 14 may be used to construct frameworks with different symmetries. FIGS. 14(a), (b), and (c) are transverse cross sections through members having two slots for making structures with corners of 90°, 135 and 180° respectively. FIG. 14(d) is a transverse cross section through a member having three slots for joining three walls of a structure at 120 degree separation. FIG. 14(e) is a transverse cross section through a member having four slots for joining four walls of a structure at 90 degree separation."

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Clearly, the Dwillies '512 patent teaches using the structures illustrated in Figs. 14A-14E only as posts, otherwise they could not achieve the angular configurations disclosed in the Dwillies '512 patent. Since the Dwillies '512 patent does not disclose those elements set forth in detail above, claim 78 is believed to be patentable.

Amended independent claim 100 recites a post and beam furniture system for partitioning open office space, comprising a plurality of vertical posts having lower ends configured to be abuttingly supported on a floor surface of the open office space, and being arranged in a laterally spaced apart fashion. Amended claim 100 further recites that at least one of the posts has a cruciform plan shape defined in part by a central portion, and four, substantially identical flanges extending outwardly from the central portion in a mutually perpendicular relationship to define triangularly-shaped spaces between adjacent ones of the flanges. Amended claim 100 further recites that each of the flanges has a generally flat end face with a single vertical slot extending centrally therealong, and a predetermined width measured between opposite sidewalls of the flanges. Amended claim 100 further recites a plurality of horizontal beams having opposite ends operably connected with the posts at a predetermined pattern to divide the open office space into a plurality of individual workstations. Amended claim 100 further recites that at least one of the beams has a generally rectangular shape defined in part by opposite sidewalls spaced apart a predetermined width which is generally commensurate with the predetermine width of the flanges on the one post,

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such that the one beam mates with any one of the flanges along the length thereof in a flush relationship. Finally, amended claim 100 recites at least one beam-to-post connector having a first portion operably connected with one end of the beam and a second portion detachably retained in the slot in one of the flanges on the post for supporting the one beam in a variety of different orientations and elevations along the one post.

Amended independent claim 100 is clearly not anticipated or rendered obvious by the Dwillies '512 patent for at least some of those same reasons set forth above in support of amended claim 76. More specifically, the vertical members 12 of Dwillies '512 do not have a cruciform plan shape defined in part by a central portion, and four, substantially identical flanges extending outwardly from the central portion in a mutually perpendicular relationship to define triangularly-shaped spaces between adjacent ones of the flanges. The only spaces or channels in the exterior surfaces of the Dwillies '512 vertical members are T-shaped, and are designed to mount a horizontal member therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 100.

Amended independent claim 123 recites a post and beam furniture system for partitioning open office space, comprising a plurality of vertical posts having lower ends thereof configured to be abuttingly supported on a floor surface of the open office space, and being arranged in a laterally spaced apart fashion. At least one of the posts has a Y-shaped plan configuration defined in part by a central portion, and three, substantially identical flanges

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extending outwardly from the central portion in a generally 120 degree mutual relationship to define triangularly-shaped spaces between adjacent ones of the flanges. Each of the flanges has a generally flat end face with a single vertical slot extending centrally therealong, and a predetermined width measured between opposite sidewalls of the flanges. Amended claim 123 further recites a plurality of horizontal beams having opposite ends thereof operably connected with the posts in a predetermined pattern to divide the open office space into a plurality of individual workstations. At least one of the beams has a generally rectangular shape define in part by opposite sidewalls spaced apart a predetermined width which is generally commensurate with the predetermined width of the flanges on the one post, such that the one beam mates with any one of the flanges along the length thereof in a flush relationship. Amended claim 123 further recites at least one post-to-beam connector having a first portion thereof operably connected with one end of the one beam, and a second portion thereof detachably retained in the slot in one of the flanges on the one post for supporting the beam at a variety of different orientations and elevations along the one post.

Amended independent claim 123 is clearly not anticipated or rendered obvious by the Dwillies '512 patent for at least some of those same reasons set forth above in support of amended claim 76. More specifically, the vertical members 12 of Dwillies '512 do not have a Y-shaped plan configuration defined in part by a central portion, and three, substantially identical flanges extending outwardly from the central portion in a generally 120 degree mutual



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relationship to define triangularly-shaped spaces between adjacent ones of the flanges, wherein each of the flanges has a generally flat end face with a single vertical slot extending centrally therealong. The only spaces or channels in the exterior surfaces of the Dwillies '512 vertical members are T-shaped, and are designed to mount a horizontal member therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 123.

Amended independent claim 134 is in Jepson format, and recites a post and beam furniture system for partitioning open office space, including the improvement comprising a plurality of vertical posts having lower ends thereof configured to be abuttingly supported on a floor surface of the open office space, and being arranged in a laterally spaced apart fashion. The posts have a cruciform plan shape defined in part by a central portion, and four, substantially identical flanges extending outwardly from the central portion in a mutually perpendicular relationship to define triangularly-shaped spaces between adjacent ones of the flanges. Each of the flanges has a generally flat end face with a single vertical slot extending centrally therealong, and a predetermined width measured between opposite sidewalls of the flanges. Amended claim 134 also recites a plurality of horizontal beams having opposite ends thereof operably connected with the posts in a predetermined pattern to divide the open office space into a plurality of individual workstations. The beams have a generally rectangular shape defined in part by opposite sidewalls spaced apart a predetermined width which is generally commensurate with the predetermined width of the flanges on the post, such that the

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beams mate with any one of the flanges along the length thereof in a flush relationship.

Amended claim 134 also recites a plurality of post-to-beam connectors having first portions thereof operably connected with the ends of the beams, and second portions thereof detachably retained in the slots in the flanges on the posts for supporting the beams at a variety of different orientations and elevations along the posts.

Amended independent claim 134 is clearly not anticipated or rendered obvious by the Dwillies '512 patent for at least some of those same reasons set forth above in support of amended claim 76. More specifically, the vertical members 12 of Dwillies '512 do not have a cruciform plan shape defined in part by a central portion, and four, substantially identical flanges extending outwardly from the central portion in a mutually perpendicular relationship to define triangularly-shaped spaces between adjacent ones of the flanges, wherein each of the flanges has a generally flat end face with a single slot extending centrally therealong. The only spaces or channels in the exterior surfaces of the Dwillies '512 vertical members are T-shaped, and designed to mount a horizontal member therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 134.

Amended independent claim 140 is in Jepson form, and recites a post and beam furniture system for partitioning open office space, and includes the improvement comprising a plurality of vertical posts having lower ends thereof configured to be abuttingly supported on a floor surface of the open office space, and being arranged in a laterally spaced apart fashion.

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The posts have a Y-shaped plan configuration defined in part by a central portion, and three, substantially identical flanges extending outwardly from the central portion in a generally 120 degree mutual relationship to define triangularly-shaped spaces between adjacent ones of the flanges. Each of the flanges has a generally flat end face with a single vertical slot extending centrally therealong, and a predetermined width measured between the opposite sidewalls of the flanges. Amended claim 140 further recites a plurality of horizontal beams having opposite ends thereof operably connected with the posts in a predetermined pattern to divide the open office space into a plurality of individual workstations. The beams have a generally rectangular shape defined in part by opposite sidewalls spaced apart a predetermined width which is generally commensurate with the predetermined width of the flanges on the post, such that the beams mate with any one of the flanges along the length thereof in a flush relationship. Amended claim 140 also recites a plurality of post-to-beam connectors having first portions thereof operably connected with the ends of the beams, and second portions thereof detachably retained in the slots in the flanges on the posts for supporting the beams at a variety of different orientations and elevations along the posts.

Amended independent claim 140 is clearly not anticipated or rendered obvious by the Dwillies '512 patent for at least some of those same reasons set forth above in support of amended claim 76. More specifically, the vertical members 12 of Dwillies '512 do not have a Y-shaped plan configuration defined in part by a central portion, and three, substantially

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identical flanges extending outwardly from the central portion in a generally 120 degree mutual relationship to define triangularly-shaped spaces between adjacent ones of the flanges, wherein each of the flanges has a generally flat end face with a single slot extending centrally therealong. The only spaces or channels in the exterior surfaces of the Dwillies '512 vertical members are T-shaped, and are designed to mount a horizontal member therein, unlike the triangular spaces of the post and beam furniture system set forth in amended claim 140.

Claims 101-122, 124-133, 135-139 and 141-145 depend directly or indirectly from an associated one of the independent claims 100, 123, 134 and 140 discussed above, and add additional structure and features thereto, which serve to further distinguish the same from the Dwillies '512 patent.

Applicants submit that the Dwillies '512 patent does not disclose or render obvious the unique post and beam furniture system for partitioning open office space set forth in the pending claims. It is therefore submitted that claims 76, 78 and 100-145 inclusive should be


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allowed, along with allowed claims 30-34, 79, 82-87, 89 and 94. A notice to this effect is earnestly solicited.

Respectfully submitted,

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